

Vietnam's Policies on Child Abuse Prevention and Abatement: Facts and Solutions

Do Duc Hong Ha¹, Pham Thanh Nga^{★2}

¹Judicial Committee, Vietnam's National Assembly, No. 22 Hung Vuong Street, Ba Dinh District, Hanoi City 100000, Vietnam. Email: doduchongha@gmail.com | ORCID: <https://orcid.org/0000-0002-9171-9541>

²FPT University (FU), Vietnam. Email: ngapt40@fe.edu.vn | ORCID: <https://orcid.org/0000-0001-7243-4017>

★Corresponding author

ABSTRACT

Children are the future of a country, and they should be at the center of the national development strategy and policies. However, these are also objects of vulnerability and abuse. Therefore, child protection and child-abuse prevention are the responsibilities of each country. In this article, the authors have mentioned and analyzed the following main issues: (i) The facts and the problem of child abuse in Vietnam; (ii) Causes of child abuse in Vietnam; (iii) Recommendations to improve laws and policies and the effectiveness of implementation of child abuse prevention and abatement in Vietnam.

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1. INTRODUCTION

This article presents an analysis of official statistics of 2020-2021 on children's victimization in Vietnam and reviews the data of several selective researches in the area. It defines the conception of child abuse and offences, and presents certain kinds, types and classification of child abuse. An analysis of accumulative and cyclical inversion of victim (child and offender from the perspective of victimology) is introduced. The authors present the inversion of victim - child and offender as a dynamic phenomenon, as a result of interaction between the processes of criminalization and victimization.

Many commercial advertisements are created to depict a form of art, without taking any care about ethical principles (Dojčinović & Ljajić, 2020). Some advertising involves a set of activities abusing the children. Based on the analyzed commercial advertisements, Dojčinović & Ljajić (2020) concluded that children are used in advertisements as a mean of achieving economic goals, and that the children are manipulated in the advertisements.

Research by Koesdyantho (2021) shows that child abuse is a serious phenomenon requiring a treatment to recover the victims. This research describes how giving treatments to recover children as victims from abuse and violence helped the students' (participants') knowledge. Six forms of treatments were applied to recover the victims, consisting of Combined Parent-Child Cognitive Behavioral Therapy (CPC-CBT), Parent Training and Multi-Systemic Therapy, Project Support (Children's Protective Services), Web-based Parenting Skills, Home Visiting Program, and School Based Mental Health Intervention for Children.

2. DEFINING THE CHILD ABUSE

There are many definitions of what constitutes child abuse. The term 'abuse' is sometimes known as 'maltreatment' in the literature. Child maltreatment includes both acts of commission and acts of omission causing actual or threatened harm to a child. A definition of child abuse is: "*all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power*" (WHO, 2020).

2.1 Types of Child's Abuse

There is a variety of child's abuses: physical abuse, sexual abuse, emotional abuse, neglect and witnessing parental intimate partner violence (IPV). Details of few types of abuses are as follows:

2.1.1 Physical abuse

Among professionals and the general public, there is disagreement as to what behaviours constitute physical abuse of a child. Physical abuse often does not occur in isolation but as part of a constellation of behaviors including authoritarian control, anxiety-provoking behavior, and a lack of parental warmth. The WHO (2020) defines physical abuse as:

"Intentional use of physical force against the child that results in – or has a high likelihood of resulting in – harm for the child's health, survival, development, or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning, and suffocating."

Much physical violence against children in the home is inflicted with the object of punishing. Overlapping definitions of physical abuse and physical punishment of children highlight a subtle or non-existent distinction between abuse and punishment, but most physical abuse is physical punishment "in intent, form, and effect".

Corporal punishment involves hitting ('smacking', 'slapping', 'spanking') the children, with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, or scratching, pinching, biting, pulling hair or boxing ears, or forcing children to stay in uncomfortable positions, burning, scalding, or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices).

Most nations with child abuse laws deem the deliberate infliction of serious injuries, or actions that place the child at obvious risk of serious injury or death, to be illegal. Bruises, scratches, burns,

broken bones, lacerations — as well as repeated "mishaps", and rough treatment that could cause physical injuries — can be physical abuse. Multiple injuries or fractures at different stages of healing can raise suspicion of abuse.

The psychologist Alice Miller noted in her book on child abuse that humiliations, spankings, beatings, slaps on the face, etc. are all forms of abuse, because they injure the integrity and dignity of a child, even if their consequences are not visible right away (Kaler, 2015). Physical abuse as a child can lead to physical and mental difficulties in the future, including re-victimization, personality disorders, post-traumatic stress disorder (PTSD), dissociative disorders, depression, anxiety, suicidal ideation, eating disorders, substance use disorders, and aggression. Physical abuse in childhood has also been linked to homelessness in adulthood (Kaler, 2015).

2.1.2 Sexual abuse

Child sexual abuse (CSA) is told to be a form of child abuse characterizing with an abuse of a child by an adult or older adolescent for sexual stimulation. The participation of a child in a sexual abuse of a child aims toward the physical gratification or the financial profit of the person committing the act. According to US Department of Health and Human Services, "Forms of CSA include asking or pressuring a child to engage in sexual activities (regardless of the outcome), indecent exposure of the genitals to a child, displaying pornography to a child, actual sexual contact with a child, physical contact with the child's genitals, viewing of the child's genitalia without physical contact, or using a child to produce child pornography" (Child Welfare Information Gateway, 2019). Selling the sexual services of children may be viewed and treated as child abuse rather than simple incarceration.

2.1.3 Psychological abuse

The child psychological abuse is defined by the American Psychiatric Association (APA) in 2013 as "nonaccidental verbal or symbolic acts by a child's parent or caregiver that result, or have reasonable potential to result, in significant psychological harm to the child". Another organization, APSAC, defined psychological abuse as: "spurning, terrorizing, isolating, exploiting, corrupting, denying emotional responsiveness, or neglect", or "a repeated pattern of caregiver behavior or extreme incident(s) that convey to children that they are worthless, flawed, unloved, unwanted, endangered, or only of value in meeting another's needs" (Knight, 2002).

Again in 2014, the APA stated that: "Childhood psychological abuse [is] as harmful as sexual or physical abuse. Nearly 3 million US children experience some form of [psychological] maltreatment annually. Psychological maltreatment is the most challenging and prevalent form of child abuse and neglect. Given the prevalence of childhood, psychological abuse and the severity of harm to young victims, it should be at the forefront of mental health and social service training." Victims of emotional abuse may react by distancing themselves from the abuser, internalizing the abusive words, or fighting back by insulting the abuser (Rokas, 2005). Emotional abuse can result in abnormal or disrupted attachment development, a tendency for victims to blame themselves (self-blame) for the abuse, learned helplessness, and overly passive behavior (Rokas, 2005).

2.2 Convention on the Rights of the Child (UNCRC)

The Convention on the Rights of the Child (UNCRC) was adopted by UN General Assembly with its Resolution 44/25 of 20 November 1989. The UNCRC sets out children's rights and how governments should work together to make them available to all children (United Nations, 1989). Under the terms of the convention, governments are required to meet children's basic needs and help them reach their full potential, including basic fundamental rights¹. The UNCRC is also the only international human rights treaty giving protection to the children under Article 45a.

¹ These include the right to:

- Life, survival and development
- Protection from violence, abuse or neglect
- An education that enables children to fulfill their potential.
- Be raised by, or have a relationship with, their parents.
- Express their opinions and be listened to.

3. THE CHILD ABUSE IN VIETNAM

According to Vietnam's Government (2019), total number of abused children was 8,406 from which 7,646 were females and 760 were males. Number of children abused in specific forms was as follows: 513 children experiencing violence, 10 children experiencing labour exploitation, 6,476 sexually abused children, 195 children being trafficked, 7 children being abandoned, and 322 children suffered from other forms of harm, such as appropriation, property robbery, property appropriation, illegal possession of drugs, illegal arrest. In the continuum, number of subjects who committed acts of child abuse was 5,214 subjects from whom 494 subjects were people related by blood and relatives, 43 teachers, officials, and employees at educational institutions; 981 taking care of and treating diseases, 2,898 acquaintances of children, and 12 foreigners.

Kaler (2015) highlights types of abuses, such as rape, intercourse, lewdness against people under 16 years old. Other forms of abuse include child trafficking, killing newborn babies, robbing property, appropriating children, using children to commit crimes. There are many methods and tricks of abuse. In most cases of child abuse, subject takes advantage of the relationship, acquaintance and ignorance, limited awareness, material dependence, or inability to self-protection. Subjects take advantage of secluded places, use a force, threaten to use force, or threaten to kill. There are cases where victim and abused child lack the attention and education of the family, lead a loose lifestyle, and are not educated about sex. So, they are curious to discover and develop feelings for each other leading to consent for sex.

The majority of abused children often suffer child's psycho-physiology. Serious consequences include the victim's pregnancy and female child give birth while her physical and mental health has not fully developed yet. Abused children can get infections, AIDS, sexually transmitted diseases (STDs), etc. Children who are abused often feel guilt, fear, evil, stupidity, and at risk of becoming a criminal adult. In particular, if the abused children do not receive psychological treatment, they can become obsessed adults. When they grow up, they may abuse other children. Child abuse occurs nationwide, but mainly in rural, remote and isolated areas where there are outdated customs (Supreme People's Court, 2019a, 2019b).

3.1 Causes of Child Abuse in Vietnam

Vietnam Government's assessment discloses that the objective cause of child abuse in Vietnam for a long time was that institutions meant to create a safe and healthy living environment for children have not developed attention leading to the emergence of potential risk factors causing violence and child abuse on increase. Malicious and inappropriate information, publications, and products, especially in the network for a long time, are not prevented or controlled promptly and are not handled thoroughly (Vietnam's National Assembly, 2020).

Supreme People's Court (2019a, 2019b) of Vietnam emphasized that cause of child abuse in Vietnam in recent years is the development of social networking sites. Pornography has created worse conditions for children, and they are not fully aware of the potential dangers of relationships. The gap between the rich and the poor leads to disparities in living conditions in the society, cracks in the family, and the erosion of traditional values leading to abandoned children wandering to earn a living, breaking the law, and facing violence, etc. These are the roots causes of crimes against children. The coordination for management and education of families, schools, and child protection organizations is not synchronous; the State management of culture and information is still not robust. Educating children on how to protect themselves is still overlooked, not focused, leading to children's lack of knowledge, lack of understanding about psycho-physiological characteristics, and lack of skills preventing abuse.

The authorities are unable to control the depraved websites resulting into a large proportion of teenagers being sexually aroused, even addicted to sex. To satisfy their needs, children are ready to commit crimes. Children are the most targeted for their innocence, ignorance, and lack of defense. In rural and mountainous areas, the population is not dense composed of mainly seasonal and manual laborers. The interest of families and schools confine to children's activities at home and in school. The children have to go to school far from home, cross through remote areas. These are favorable places for subjects to commit acts of child abuse, especially child rape. The provisions of the Penal Code² for the

² <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/56207/111125/F97325861/VNM56207%20Eng.pdf>

group of crimes of child abuse, including sexual abuse, currently have some shortcomings. There are no specific and timely instructions to serve as basis for determining the crime. The deterrence, education, and general prevention affect the punishment process ascertained for this type of crime (Supreme People's Court, 2019a, 2019b).

According to the Vietnam Government (2019) assessment, the subjective cause of child abuse in Vietnam is the importance and urgency of child's work. It has not been approved by the government or specialized agency. Socio-political organizations in many localities are fully aware, and interested in directing, investing, and performing properly their responsibilities. However, compliance to the law on child protection by some officials is not strict. The acts of violence and sexual abuse of children are overlooked, ignored, and handled carelessly. The local authorities and educational institutions do not usually inform or report the cases to the competent authorities. Cases of violence and sexual abuse of children are covered up. Families, parents, caregivers and children themselves are not fully aware of their responsibility to protect children and are slow to be supplemented with knowledge and skills on child protection, care and education. Lack of solutions to prevent moral degradation and lack of role models for a part of adults, parents, and family members leads to an increase in child abuse behaviors and crimes, especially child sexual abuse (Vietnam Government, 2019).

The assessment of the Supreme People's Court (2019b) reiterates that the worse situation of child abuse in Vietnam is due to the lack of upbringing, training, playing, and enjoyment by law violators, racing to claim bad habits, being dragged by friends into illegal acts. On the other hand, due to the lack of understanding of the law, authorities do not know how to deal with conflict situations. Lack of management, education, care, future orientation and acts of kindness collectively lead to behavior deviating from ethical standards and social relations. Many parents do not have or have little time to directly manage and take care of their children. They leave children at home alone, thus creating conditions for known subjects to use material benefits to entice them to commit acts of harmful aggression. Children are soon allowed to use valuable assets of their parents while they themselves are not able to protect their own property, creating conditions for criminals to commit acts of appropriation. The early development of children's mind, physiology as well as the desire to learn have been exploited and seduced by criminals to commit abusive acts (Supreme People's Court, 2019b). The legal awareness, sex education, and prevention of child sexual abuse have not been frequent and effective. The investigation, prosecution and trial of child abuse crimes are sometimes not timely, so it is still limited in creating consensus in public opinion to educate, condemn and prevent violations and crimes. Moreover, legal education and extension have not gone deep into each locality or each population cluster, so the effectiveness in raising legal awareness among the people is not enough. The contingent of staff working in child protection and care, especially at the grassroots level, is still lacking and unstable. The inspection and supervision of child protection work by some State agencies and authorities at all levels are not regular. The management of the accommodation services does not ensure the strict inspection of identification documents, creating favorable conditions for the subjects to commit acts of child abuse. The management of information, especially online information, is not good allowing a lot negative information directly affecting children's participation (Supreme People's Court (2019b).

Again the Supreme People's Court (2019a) states that the subjective cause of child abuse in Vietnam is the family or the social community whose management, care, nurturing and education of children are poor. Some reasons can be listed as follows. For families, in which the role of parents and caregivers is concerned, there is a lack of awareness of risks, a lack of prevention skills, and legal resolution skills, and care and recovery skills for physically and psychologically abused children. For the children themselves, the limited awareness of the child about forms of abuse, limited curiosity to discover about gender, the lack of skills to prevent and denounce the abuser are the major factors. For the society, communication on child abuse, sex education, and children's self-defense skills have not received attention or they are not taught to children even when they are in kindergarten or primary school. Kindergarten, primary schools as well as parents have not focused on educating of their children how to protect themselves. Schools today mainly focus on teaching literacy; so children do not have the skills to protect themselves against the risk of abuse (Supreme People's Court, 2019a).

4. RECOMMENDATIONS FOR SOLUTIONS

Over the past decades, the legal system on child abuse prevention and control has been promulgated relatively fully, synchronously and timely, institutionalizing the guidelines and policies by closely following practical requirements, creating important legal basis for child protection in general, and child abuse prevention and control in particular. In addition, the legal system on prevention and control of child abuse still has many limitations. Many provisions of the law on children and other relevant laws have not been guided in a timely and sufficient manner, causing difficulties in implementation. The sanctions prescribed in some decrees on sanctioning administrative violations related to child abuse prevention and control are still weak and have not yet ensured deterrence. Violence against children occurring in the family is rarely detected and handled. The protection of children in the online environment is an urgent requirement, but the provisions of the law are not adequate and timely. There are no effective measures to prevent and minimize child labor in violation of the law. To improve the effectiveness of child abuse prevention and control in Vietnam in the next period, the following solutions, suggestions and recommendations are offered for the improvement of the following legal policies:

- (i) The government continues to improve the legal policy on child abuse prevention and control: Consider and review the issues related to children, especially child protection, children's participation, principles to ensure the implementation of human rights and children's rights, which are stipulated in the Constitution and the Law on Children. The contents related to child protection in the legal system of criminal, civil, civil proceedings, handling of administrative violations, labour, judicial expertise, marriage and family, etc. should be amended and supplemented. Develop a national action plan to prevent and combat child abuse and submit it to the Prime Minister for approval. Investigate the possibility of developing juvenile justice legislation to form a child-friendly justice system in the best interests of children and juveniles, in line with international standards. Build and strengthen the child protection system to meet the requirements of child protection, strengthen the child protection capacity, promote effective inter-sectoral coordination, develop the child protection service system, ensure the best implementation of children's rights, especially the rights group to be protected from violence, sexual abuse, trafficking, labor exploitation, etc. Promulgate and organize the implementation of the National Action Plan for Children for the period 2021-2030. Program to prevent and reduce illegal child labor for the period 2021-2025 and orientation to 2030.
- (ii) The Supreme People's Court will continue to coordinate with relevant ministries and branches in formulating documents detailing the Penal Code, the Law on Children and other relevant laws, thereby, creating a complete legal basis to handle acts of child abuse. Especially, it is necessary to speed up the promulgation and organize the implementation of the Resolution of the Judicial Council of the Supreme People's Court guiding the application of Articles 141, 142, 143, 144, 145, 146 and 147 of the Criminal Code to be implemented soon in practice, meeting the needs of solving cases in practice. Develop a plan to implement the program of coordination in the protection of women and children. Emphasize the content of coordination in providing information, handling reports and denunciations about crimes in cases related to girls. Continue to coordinate with projects and organizations to issue: (a) Handbook of Procurators dealing with child sexual abuse cases; (b) Question and answer document on awareness and application of the law in the exercise of the right to prosecution, supervision of prosecution, investigation, prosecution and trial of cases and cases of abuse of women and children. Review, amend, supplement and complete the system of legal documents and guiding documents related to the field of violence and child abuse prevention. Stipulate specific functions and tasks in protecting and supporting children who are abused, and exploited in relevant legal documents in order to create a necessary legal framework for the deploy and perform tasks of ministries, central branches and local authorities in the prevention and control of child abuse. Promulgate and organize the implementation of documents guiding and explaining conflicting concepts in order to ensure a unified understanding and synchronous application in practice, as mentioned in the section on difficulties in above (instructions on

- lewd behavior, other sexual acts, pornography, etc). To assume the prime responsibility for, and coordinate with concerned ministries and branches in, formulating, promulgating and organizing the implementation of the Joint Circular on coordination between procedure-conducting agencies in the process of receiving denunciations and information about crimes, petitions to prosecute, investigate, and adjudicate cases of child sexual abuse.
- (iii) The Supreme People's Court continues to perfect the legal system on prevention and combat of child abuse. Research, amend and improve regulations on sanctions for child sexual abuse because the current sentence of the Penal Code for these crimes is not strict. The consequences of these crimes are very serious for the victims, especially psychologically, spiritually and affect their later lives. Therefore, child abuse acts must be punished severely and to be able to deter and prevent this type of crime. At the same time, amend and supplement regulations in the direction of increasing monetary compensation for mental and health losses of abused children following the actual conditions of today's society and to compensate for the loss of mental health partially offset the serious consequences that children will have to bear in the long run. Specifying responsibilities of each agency or organization assigned responsibility for child protection, strictly handling agencies, organizations, educational institutions, agencies and organizations that fail to denounce or denounce acts child abuse, failure or delay in performance.

5. CONCLUSION

The abuse of children exists in many different forms in Vietnam. Crime of child abuse is very complicated and it needs the cooperation of all people in society to prevent and fight it. Vietnam's Government has enacted many legal policies to abate this crime. Vietnam needs to strengthen methodology and cooperate with international networks to control better the situation of child abuse. Treatments are essential in the form of collaboration between parents (caregivers), schools, and children (as victims) to recover child abuse and violence through a variety of measures to realize the purposes and children abuse. Victims also need appropriate treatment based on their condition and such treatments as a choice and solution to recover the victims.

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AUTHORS' DECLARATIONS AND ESSENTIAL ETHICAL COMPLIANCES

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Collected the data	Yes	No
Contributed to data analysis & interpretation	Yes	Yes
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